

REMARKS

This Amendment is being filed in response to the Office Action mailed February 3, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11, 13-14 and 18 remain in this application, where claims 12 and 15 had been previously canceled without prejudice, claims 16-17 have been currently canceled without prejudice, and claim 18 has been added which includes features supported throughout the specification, such as page 4, lines 25-30 and page 5, lines 14-20. Claims 1, 4, 5, 7, 10, 14 and 18 are independent.

In the Office Action, the Examiner indicated that claims 5-9 and 14 are allowed. Applicants gratefully acknowledge the indication that claims 5-9 and 14 are allowed.

In the Office Action, the Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4 and 6 of a copending Application No. 10/548,343. The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This

rejection is respectfully traversed particularly in view of the present amendment to claim 1. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary, upon indication that the present application is otherwise allowable.

In the Office Action, claims 1-3, 13 and 16-17 are rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed. However, to advance prosecution, independent claim 1 has been amended and independent claim 17 has been canceled without prejudice. It is respectfully submitted that this rejection of claims 1-3, 13 and 16-17 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-3, 13 and 17 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,229,506 (Dawson). Further, claims 1-4, 10-11, 13 and 17 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2006/0208979 (Fish). It is respectfully submitted that claims 1-11, 13-14 and 18 are patentable over Dawson and Fish for at least the following reasons.

At the outset, it is respectfully submitted that Fish is not prior art to the present application. The present application has an effective filing date of March 29, 2003 under 35 U.S.C. 119, as specifically claimed in the Declaration, and correctly noted in field (30) of the U.S. Patent Publication of the present application, namely, U.S. Patent Publication 2006/0244687. Under 35 U.S.C. 119, it is clear that the effective filing date of the present application is March 29, 2003.

On page 16 of the Office Action, MPEP §706.02(a)VI and §1893.03(b) are cited to allegedly show that the effective filing date of the present application is the PCT International filing date of March 16, 2004. Applicants respectfully point out that indeed the PCT International filing date of March 16, 2004 would have been the effective filing date of the present application IF NO FOREIGN PRIORITY BASED ON 35 U.S.C. 119 WAS CLAIMED. As noted above, the present application DOES CLAIM FOREIGN PRIORITY BASED ON 35 U.S.C. 119, and thus the effective filing date of present application is March 29, 2003, which is the date of filing of British Application No. GB 0307320.2 (and NOT the PCT International filing date of March 16, 2004)

As the effective filing date of present application of March 29, 2003 is before the Fish effective date, which is its PCT filing date of February 27, 2004 (and not its foreign priority claim date of March 15, 2003), Fish is not available as prior art with regard to the present application.

As only claims 1-3, 13 and 17 are rejected based on Dawson, and claim 16 is not rejected based on Dawson, it is respectfully submitted that independent claim 1 is patentable since it includes the features of claim 16, which has been canceled. In additions, claims 2-3 and 13 are also allowable at least based on their dependence from independent claim 1.

Regarding Dawson, it is directed to an LED pixel structure that reduces current non-uniformities and threshold voltage variations in a drive transistor. It is respectfully submitted that there is no disclosure or suggestion in Dawson of the present invention as recited in independent claim 18 which, amongst other patentable elements, recites (illustrative emphasis provided):

once the display element is driven using the first drive transistor, switching off the second drive transistor so that the second drive transistor is driven with a reduced duty cycle for long enough for the gate-source voltage be stored on the storage

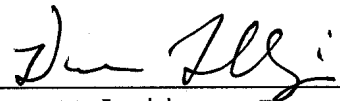
capacitor.

These features are nowhere disclosed or suggested in Dawson. Dawson is not concerned about, and does not disclose or suggest reducing any duty cycle, let alone disclosing or suggesting switching off the second drive transistor, once the display element is driven using the first drive transistor, so that the second drive transistor is driven with a reduced duty cycle for long enough for the gate-source voltage be stored on a capacitor. Accordingly, it is respectfully submitted that independent claim 18 is allowable.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
April 27, 2009

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101